



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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## **MEMORANDUM**

**Date:** August 20, 2015

**To:** Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

**From:** Emily Edwards, Planning Intern

Jillian Harris, AICP, Planning and Zoning Administrator

**Subject:** **Patricia M. Dumont (petitioner/owner)** – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU). The Parcel is located at 26 Joey Road in the R (Residential) District. Tax Map 2B, Lot 052. Case #2015-32.

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The following information is provided to aid in your consideration of the above referenced case. Additional background, and application materials, is included in your packet.

### **Background:**

The petitioner seeks to construct an addition in order to accommodate an Accessory Dwelling Unit (ADU) at 26 Joey Road. According to the petitioner's application, the addition will include a two car garage with living space above. The purpose of this ADU is to provide a living space for an elderly parent. Pursuant to Section 2.02.1(B)(2) of the Zoning Ordinance, the petitioner seeks a Special Exception.

The subject property is an approximately 0.459 acre lot located at 26 Joey Road (Tax Map 2B, Lot 052) in the R (Residential) District. The lot is currently serviced by public water and sewer. According to the Assessing database the existing single family home contains 1,570 sq. ft. of heated living space. The petitioner's floor plan indicates approximately 700 sq. ft. of heated living space within the proposed ADU. Based upon this information, the ADU represents approximately 45 % of the heated living space of the Primary Dwelling Unit (PDU) area. According to the proposed floor plan, the ADU will include one bedroom, a living area, a kitchen, a bathroom, and a small 3-season porch.

The ADU will have internal access to the PDU through the addition of a utility/pantry room that will serve as an access way from all points. There will be a common entry point from the garage into this room. There will also be a common deck for the PDU and the ADU off of the pantry room. A circular driveway is planned to be installed to provide adequate parking.

### **Standard of Review:**

It is the burden of the Petitioner to demonstrate, to the satisfaction of the Board, that the conditions for the granting of a Special Exception, under Section 2.02.1(B)(2) of the Zoning Ordinance, have been satisfied:

- a) The ADU is contained within or will be an addition to an existing or proposed single family detached dwelling;

- b) The ADU contains no more than one bedroom;
- c) The ADU does not exceed 1,000 square feet in area, or fifty percent (50%) of the area of heated living space within the principal dwelling unit in the area, whichever is smaller;
- d) The ADU is connected internally to the principal dwelling unit;
- e) The ADU occupancy is to be restricted to family members only, with the term “family” defined as individuals related by blood, marriage, or adoption to the fee simple owner-occupant(s) of the principal dwelling unit; and
- f) The ADU is designed to remain functionally dependent on the principal unit and will not have provisions for separate utilities, garages, driveways, yard and other similar amenities.

It is also the burden of the petitioner to demonstrate that the conditions for the granting of a Special Exception, from a-d only of Section 2.02.1(B)(1) of the Zoning Ordinance, have been satisfied:

- a.) The specific site is an appropriate location for such a use or uses in terms of overall community character development.
- b.) The use as developed will not adversely affect the neighborhood and shall produce no diminution of real estate values in the neighboring area.
- c.) There will be no nuisance or serious hazard to vehicles or pedestrians.
- d.) That an adequate parking area is provided for motor vehicles on the premises.

Please also note that it has been the policy of the Board to require the recording of customary covenants regarding occupancy of the ADU by family members, as a condition of the Board’s approval.

**Should the Board vote to grant the request for the Special Exception, Staff recommends that approval be conditioned upon the following:**

1. Execution of Declaration of Covenants for the Accessory Dwelling Unit (form will be provided by Staff);
2. Payment of the Hillsborough County Registry of Deeds recording fee for recording of the Declaration of Covenants for the Accessory Dwelling Unit.

Ec: Patricia M. Dumont, Owner/Applicant  
Carol Miner and Fred Kelley, Building Department  
Captain John Manuele, Merrimack Fire Department  
Kyle Fox, P.E, Public Works Department

Cc: File  
Correspondence